

The Town Council of the Town of Johnstown met on Monday, July 1, 2019 at 7:00 p.m. in the Council Chambers at 450 S. Parish Avenue, Johnstown.

Mayor Lebsack led the Pledge of Allegiance.

Roll Call:

Those present were: Berg, Lemasters, Mellon, Molinar Jr., and Tallent.

Those absent were: Councilmember Young

Also present: Matt LeCerf, Town Manager, Avi Rocklin, Town Attorney, Kim Meyer, Town Planner, Mitzi McCoy, Finance Director, and Aaron Sanchez, Commander

Agenda Approval

Councilmember Mellon made a motion seconded by Councilmember Molinar Jr. to approve the Agenda as submitted. Motion carried with a unanimous vote.

Public Comment

Mr. Kane Young-Hiss addressed the Council checking on the progress to change the ordinance to allow large snakes and include caimans. Staff is still doing investigation into the matter before drafting a new ordinance.

Consent Agenda

Councilmember Berg made a motion seconded by Councilmember Molinar Jr. to approve the Consent Agenda with the following items included for approval:

- June 17, 2019 Council Meeting Minutes
- 2nd Reading – Ordinance Number 2019-162, an Ordinance Amending Section 1-62, 1-63, 2-74, 8-26, 8-81, 8-82, 13-114, 16-370, 17-206 and 17-264 of the Johnstown Municipal Code to Provide Uniformity in the Penalty Provisions of the Code and Omit the Possibility of Incarceration for Municipal Ordinance Violations.
- Addendum to Water and Sewer Service Agreement between the Town of Johnstown and Clayton Properties Group II, Inc.

Motion carried with a unanimous vote.

New Business

A. Public Hearing – New Hotel & Restaurant License – Cheba Hut Investment Company, Inc.

Mayor Lebsack opened the Public Hearing at 7:12 and having no public comment closed the hearing at 7:27 p.m.

Councilmember Lemasters made a motion seconded by Councilmember Tallent to approve the issuance of a Hotel and Restaurant License for Cheba Hut. Motion carried with a unanimous vote.

B. Public Hearing – I-25 Gateway Center Filing No. 4 PUD Amendment No. 2 to the Outline Development Plan –

I-25 Gateway Center, LLC, submitted an application to amend the outline development plan for Gateway Center Filing No. 4 to modify the land use map to expand “Area C” by 4.46 acres, with a

corresponding reduction to “Area A” allowing retail, commercial and light industrial uses in Area C, and revise the design standards to allow screened outdoor storage.

Mayor Lebsack opened the public hearing at 7:28 p.m. Representatives of the applicant addressed Council and discussed the proposed amendment. Having no public comments the public hearing closed at 7:33 p.m.

Councilmember Berg made a motion seconded by Councilmember Mellon to approve Ordinance 2019-163, an Ordinance Approving I-25 Gateway Center Filing No. 4 PUD Amendment No.2, Amending the Outline Development Plan for Property Located in the Southeast Quarter of Section 3, Township 4 North, Range 68 West of the 6th Principal Meridian, Town of Johnstown, County of Weld, State of Colorado on 1st Reading. Motion carried with a unanimous vote.

C. Consider Easement Agreement (Return Flow Pipeline) among the Town of Johnstown, Thompson Crossing Metropolitan District No. 3 and Clayton Properties Group II, Inc. and (2) Assignments from W.R. Investment, LLC to the Town of Johnstown – The Town and WRI entered into a Water Agreement, creating a water bank for WRI’s benefit and contemplating that the Town or the District would operate and manage the Augmentation Plan. With the Town’s consent, WRI thereafter transferred the water bank to Clayton. Pursuant to the assignment, WRI agreed to assign to the Town the rights and obligations to operate and manage the Augmentation Plan and to dedicate the return flow pipeline, as defined in the Water Agreement, and certain appurtenant infrastructure and measuring devices necessary to operate and manage the Augmentation Plan to the Town. The infrastructure that is being dedicated to the Town to operate and manage the Augmentation Plan consist of the Head gate, the Primary Delivery Pipeline, the Measuring Devices and the Return Flow Pipeline. Councilmember Berg made a motion seconded by Councilmember Molinar Jr. to approve the Easement Agreement (Return Flow Pipeline) among the Town of Johnstown, Thompson Crossing Metropolitan District No. 3 and Clayton Properties Group II, Inc. Motion carried with a unanimous vote.

Councilmember Lemasters made a motion seconded by Councilmember Berg to approve the Assignment from W.R. Investments, LLC to the Town of Johnstown. Motion carried with a unanimous vote.

D. Resolution 2019-17, A Resolution Appropriating Additional Sums of Money to Defray Expenses and Transfers in Excess of Amounts Budgeted for the Town of Johnstown, Colorado – Staff is requesting a budget amendment in the amount of \$177,349 in the General Fund and \$81,275 in the Impact Fee Fund. Councilmember Tallent made a motion seconded by Councilmember Lemasters to approve Resolution 2019-17 as presented for the Fiscal Year 2019 Budget Amendment. Motion carried with unanimous vote.

There being no further business to come before the Council the meeting adjourned at 7:59 p.m.

Mayor

Town Clerk

